

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

HERITAGE REALTY MANAGEMENT, INC.,	)	Case No. CA 04 - 333 ERIE
	)	
Plaintiff	)	Judge Sean McLaughlin
	)	
v.	)	
	)	
JOHN ALLIN d/b/a ALLIN COMPANIES,	)	
Defendant-Third Party Plaintiff	)	
	)	
v.	)	
	)	
SYMBIOT BUSINESS GROUP, INC. and	)	
SYMBIOT SNOW MANAGEMENT	)	
NETWORK, LLC,	)	
Third Party Defendants	)	TRIAL BY JURY OF 12 DEMANDED

**DEFENDANT'S SUMMARY JUDGMENT MOTION**

For the reasons set forth and referenced in the Defendant's brief and as supported by documents and testimony identified in that brief and submitted with either the Defendant's Concise Statement of Material Facts and/or the Defendant's Appendix, the Defendant is entitled to the entry of summary judgment as to the Plaintiff's claims of breach of contract and/or Plaintiff's claim of anticipatory breach of contract as there are no genuine disputes of material fact concerning Defendant's right to the entry of judgment in his favor as to those alleged causes of action.

Respectfully submitted,

ELDERKIN, MARTIN, KELLY & MESSINA

By /s/ Craig A. Markham

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